

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KENNETH BELL,	)	
	)	
Plaintiff,	)	Case No. _____
	)	
vs.	)	(Removed from the Circuit Court
	)	of Cook County, Illinois,
THOMAS J. DART, et al.,	)	County Department, Law Division
	)	Case No. 2016 L 009446)
Defendants.	)	

**KANKAKEE COUNTY DEFENDANTS' NOTICE OF REMOVAL**

NOW COME Defendants, COUNTY OF KANKAKEE, MICHAEL DOWNEY, CHAD KOLITWENZEW, PA BRENT HUFFINES, and DR. CLYDE DAYHOFF, by and through their attorney, MICHAEL W. CONDON of HERVAS, CONDON & BERSANI, P.C., and pursuant to 28 U.S.C. §§ 1441 and 1446, file this Notice of Removal of the above-captioned matter from the Circuit Court of Cook County, Illinois, under Docket Number 2016 L 009446 to this Honorable Court.

In support of this Notice, Defendants state the following:

**JURISDICTION**

1. This Court has original jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343, because Plaintiff alleges that he was denied adequate medical treatment in violation of his Eighth and Fourteenth Amendment rights.

**STATEMENT OF FACTS**

2. This action was filed on September 23, 2016, in the Circuit Court of Cook County, Illinois. Defendants were served with the Complaint on September 29, 2016. A copy of the complaint filed in the Circuit Court of Cook County, Illinois is attached hereto as Exhibit A.

**BASIS FOR REMOVAL**

3. This Notice for Removal is timely made under 28 U.S.C. § 1446(b). Not more than 30 days have passed since service of the summons and complaint on the Defendants.

4. Removal of a civil action is allowed under 28 U.S.C. § 1441(a) by the Defendants, who are sued on a claim or right arising under the Constitution or laws of the United States for which this Court has original jurisdiction. This action is removable without regard to the citizenship or residence of the parties.

5. The action is within the subject matter jurisdiction of this Court, and this Honorable Court is an appropriate forum in which to litigate claims based on the U.S. Constitution.

6. Pursuant to 28 U.S.C. § 1446(d), Defendants have given written notice of the filing of this Notice of Removal to all adverse parties of record and have filed a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois, thereby effecting removal to this Court.

WHEREFORE, Defendants COUNTY OF KANKAKEE, MICHAEL DOWNEY, CHAD KOLITWENZEW, PA BRENT HUFFINES, and DR. CLYDE DAYHOFF file this Notice of

Removal of the above-captioned litigation from the Circuit Court of Cook County, Illinois to this Honorable Court.

Respectfully submitted,

**s/ Michael W. Condon**

MICHAEL W. CONDON, Bar No. 06192071

*Attorney for Defendants County Of Kankakee,*

*Michael Downey, Chad Kolitwenzew, PA Brent*

*Huffines, and Dr. Clyde Dayhoff*

HERVAS, CONDON & BERSANI, P.C.

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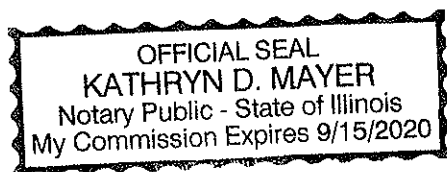
STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF DUPAGE     )

I, MICHAEL W. CONDON, do hereby certify, and having been first duly sworn upon oath do hereby state, that I have read the above and foregoing Notice of Removal, by me subscribed as signatory for the Defendants, COUNTY OF KANKAKEE, MICHAEL DOWNEY, CHAD KOLITWENZEW, PA BRENT HUFFINES, and DR. CLYDE DAYHOFF, and the same is true and correct to the best of my knowledge and belief.

**s/ Michael W. Condon**  
MICHAEL W. CONDON  
*Attorney for Defendants County Of Kankakee,  
Michael Downey, Chad Kolitwenzew, PA Brent  
Huffines, and Dr. Clyde Dayhoff*

SUBSCRIBED and SWORN to before  
me this 26th day of October 2016

**s/ Kathryn D. Mayer**  
NOTARY PUBLIC



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Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2016, I electronically filed the foregoing ***Kankakee County Defendants' Notice of Removal*** with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system, which will send notification to the CM/ECF participants; and I hereby certify that I have mailed with the United States Postal Service the aforementioned document to the following non-CM/ECF participants by U.S. Certified Mail:

**TO:** Mr. Michael B. Gunzberg, Susan E. Loggans & Assoc., P.C., 222 N. LaSalle St.,  
Ste. 460, Chicago, IL 60601

Cassiday Schade, LLP, 20 N. Wacker Dr., Ste. 1000, Chicago, IL 60606

Ms. Andrea L. Huff, Assistant State's Attorney, Torts & Civil Rights Litigation, Cook  
County State's Attorney's Office, 500 Daley Center, Chicago, IL 60602

Ms. Kathy L. Swett, Assistant State's Attorney – Civil Division, Rock Island County  
State's Attorney's Office, 210 15<sup>th</sup> St., 4<sup>th</sup> Fl., Rock Island, IL 61201

by depositing copies of same in the U.S. Mail at 333 Pierce Road, Itasca, Illinois on October 27, 2016, with the proper postage prepaid.

**s/ Michael W. Condon**

MICHAEL W. CONDON, Bar No. 06192071  
*Attorney for Defendants County Of Kankakee,  
Michael Downey, Chad Kolitwenzew, PA Brent  
Huffines, and Dr. Clyde Dayhoff*  
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